

Officer-Involved Shooting Review

Analysis of Cases Reviewed by the San Diego
County District Attorney's Office

1993 – 2017



August, 2019

BACKGROUND

Officer-involved shootings are among the most thoroughly reviewed incidents in law enforcement. This report was prepared by the San Diego County District Attorney's Office (SDCDA) in order to assist law enforcement and the community in examining the statistics to better understand the dynamics of officer-involved shootings in San Diego County.

The first study of officer-involved shootings (OIS) in San Diego County was released in 2007 and included data from 1996 through 2006. For the second study, the SDCDA collected and analyzed 20 years of data, covering the period from 1993 to 2012 and published in 2014. The current report examines five additional years of data, through 2017. The majority of the information comes from reports compiled by law enforcement investigators, forensic analysts, and medical examiners. Some of the information is contained in the letters sent to law enforcement agencies by the SDCDA summarizing the facts and legal analysis of shootings. Additional information was obtained from the various law enforcement agencies; in particular the San Diego Police Department's officer-involved shooting database was used in the initial study for race and age of officer.

Officer-Involved Shooting Reviews

The District Attorney's Office has conducted reviews of all state and local OIS (by on or off duty officers) occurring in San Diego County since the mid-1970s. The role of the District Attorney's Office is to provide an independent review of all shootings and other use of deadly force, fatal and non-fatal, to determine if there is criminal liability. This review does not examine issues such as compliance with the policies and procedures of any law enforcement agency, ways to improve training, or any issues related to civil liability.

Upon completion of the review, including determining whether the use of deadly force was justified, a letter is written and delivered to the respective Police Chief or Sheriff. The letter summarizes the evidence, including statements of the deputy or officer and other witnesses. The time it takes to receive the investigative materials, complete the review, and issue the letter varies based on the complexity of the case, the forensic work necessary, and the time it takes for the jurisdictional law enforcement agency to complete its investigation and present the case to the SDCDA. On average, for the 25-year period, the letter was sent 183 days after the incident occurred (for the 432 incidents where a letter has been sent) and 82 days after the incident was presented to our office (for the 358 incidents the date of presentation is known and a letter has been sent).

Current SDCDA Protocol

The "Protocol for Investigation and Review of Officer-Involved Shootings and Other Uses of Force Resulting in Death" memorializes the general protocol investigating officer-involved shootings in San Diego County. It is signed by the District Attorney, the San Diego County Sheriff, the Police Chiefs and other San Diego County law enforcement leaders.

The Protocol focuses on the following areas:

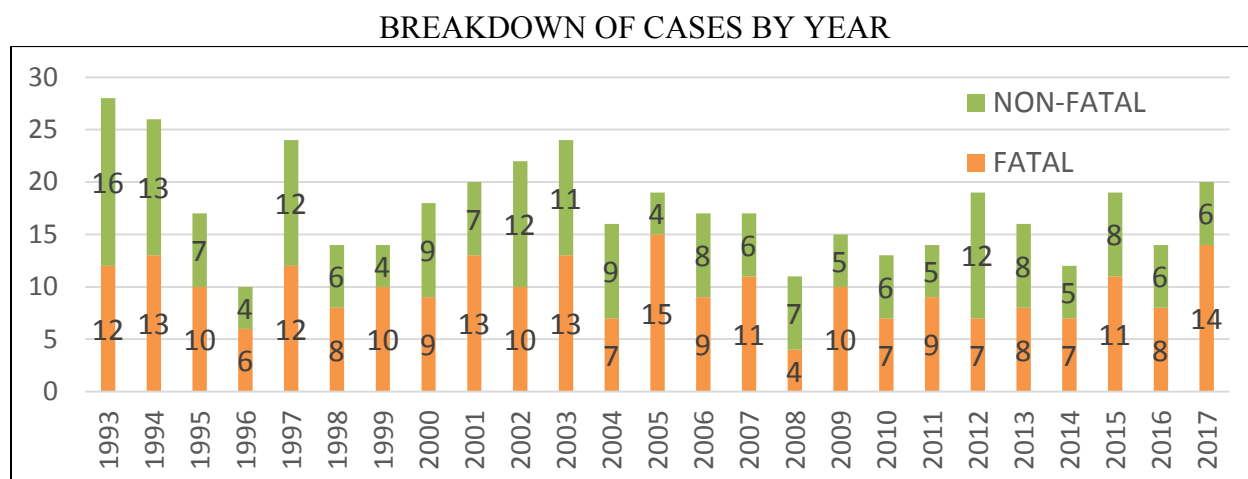
- The jurisdictional agency immediately notifies the designated representative of the SDCDA.
- The SDCDA Investigator responds and contacts the supervisor in charge of the incident scene to receive a briefing and view the scene.
- The jurisdictional agency conducts the primary investigation of the incident.
- The jurisdictional agency provides a briefing to the SDCDA within 3 days of the incident.
- Upon completion of the investigation, the jurisdictional agency submits the entire case to the SDCDA for independent review.
- The SDCDA conducts the independent assessment and writes a letter summarizing the facts and legal conclusion.

OVERVIEW OF THE DATA

From 1993 through 2017, the SDCDA reviewed 439 OIS cases with 451 subjects shot.¹ Of the total shootings, 55 percent were fatal. The percentage of fatal shootings in a given year ranged from a low of 36 percent in 2008 to a high of 79 percent in 2005.

WHEN DID THE SHOOTINGS OCCUR?

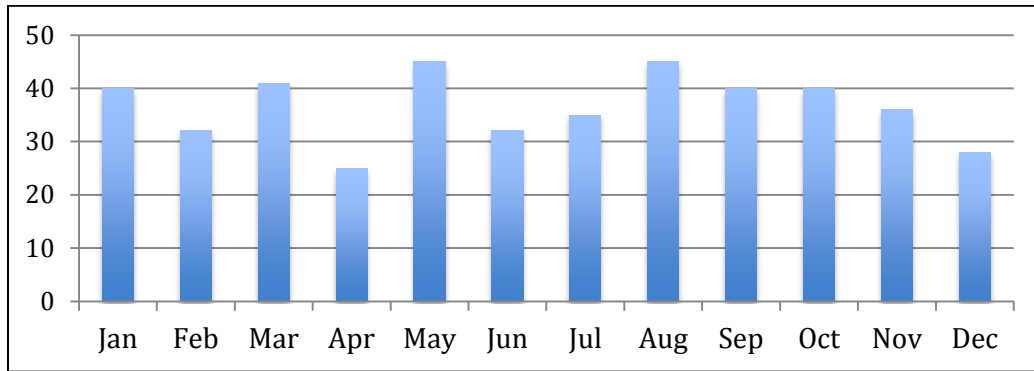
Total cases per year ranged from a low of 10 in 1996 to a high of 28 in 1993, with an average of just under 18 per year.



The number of cases *per month* also varied over the 25-year period, with a low of 25 in April to a high of 45 in May and August, as shown in the graph below. The average number of cases per month was 1.5, with the highest month having seven in May 2002, and 74 of the 300 months – 25 percent – having zero incidents.

¹ In 430 cases, there was 1 subject shot and in 9 cases, there were 2 subjects shot. A case was counted as fatal if one subject was killed. Of the 9 incidents with multiple subjects, 5 had one subject killed as well as one other injured.

NUMBER OF INCIDENTS BY MONTH



Shootings increased by day of week with Sunday having the lowest (50) and rising to Saturday with the highest (79). While shooting incidents occurred during all times of the day, nearly half (45 percent) occurred within an eight-hour block of night into early morning (from 6 p.m. to 2 a.m.). Every hour from 8 p.m. through 2 a.m. had at least 20 incidents. See details in the table below.

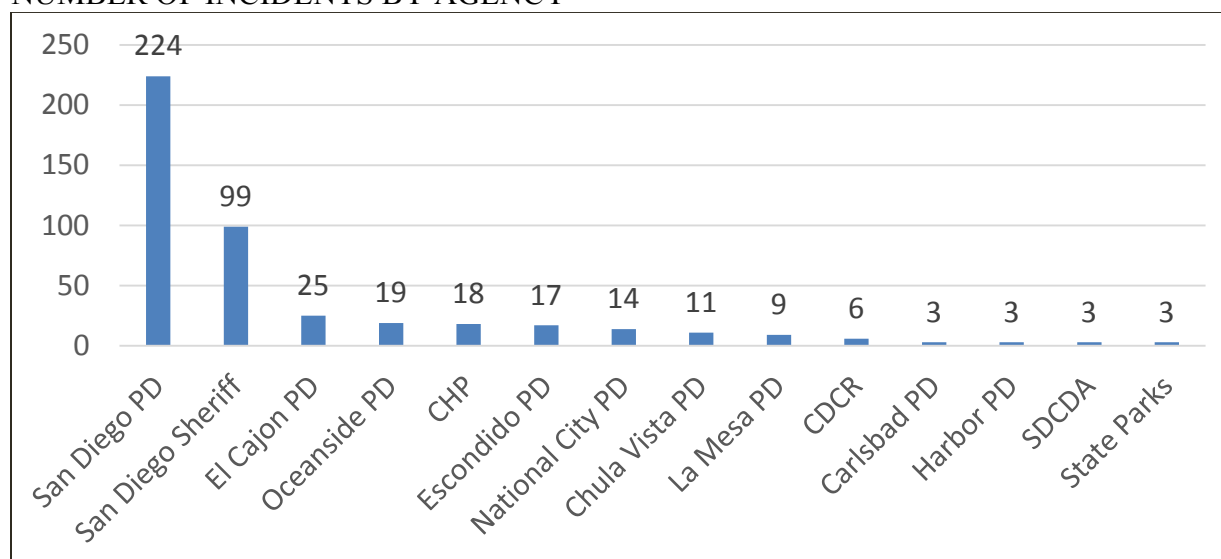
| Hour | Sun | Mon | Tue | Wed | Thu | Fri | Sat | Total |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| 5 a.m. | 1 | 1 | | | | | 3 | 5 |
| 6 a.m. | 1 | 1 | | 1 | | 1 | | 4 |
| 7 a.m. | 1 | 1 | 2 | 4 | 1 | 4 | 1 | 14 |
| 8 a.m. | 4 | 1 | | 3 | 5 | 1 | 2 | 16 |
| 9 a.m. | 2 | 4 | 4 | 3 | 2 | 8 | 4 | 27 |
| 10 a.m. | 1 | 1 | 2 | 4 | 3 | 3 | 2 | 16 |
| 11 a.m. | 2 | 3 | 5 | 4 | 5 | 2 | 2 | 23 |
| Noon | 4 | 1 | 6 | 2 | 4 | 2 | 5 | 24 |
| 1 p.m. | 2 | 1 | 4 | 2 | 1 | 3 | 4 | 17 |
| 2 p.m. | 2 | 4 | 4 | 2 | 4 | 1 | | 17 |
| 3 p.m. | | 3 | 2 | | 3 | 2 | 4 | 14 |
| 4 p.m. | 2 | 5 | 1 | 1 | | 1 | | 10 |
| 5 p.m. | | | 5 | 2 | 1 | 3 | 2 | 13 |
| 6 p.m. | 5 | 3 | 4 | 5 | 5 | 4 | 3 | 29 |
| 7 p.m. | 2 | | 2 | 5 | 3 | | 7 | 19 |
| 8 p.m. | | 1 | 1 | 4 | 4 | 6 | 6 | 22 |
| 9 p.m. | 5 | 4 | 2 | 5 | 1 | 3 | 5 | 25 |
| 10 p.m. | 1 | 1 | 4 | 6 | 4 | 5 | 6 | 27 |
| 11 p.m. | 2 | 2 | 2 | 3 | 3 | 4 | 4 | 20 |
| Midnight | 2 | 3 | 2 | 3 | 5 | 12 | 4 | 31 |
| 1 a.m. | 3 | 5 | 3 | 1 | 5 | 3 | 6 | 26 |
| 2 a.m. | 3 | 4 | 1 | 1 | 1 | | 3 | 13 |
| 3 a.m. | 4 | 1 | 2 | 1 | 4 | 1 | 3 | 16 |
| 4 a.m. | 1 | | 1 | 1 | 3 | 2 | 3 | 11 |
| Total | 50 | 50 | 59 | 63 | 67 | 71 | 79 | 439 |

WHO WERE THE AGENCIES AND OFFICERS INVOLVED?

Of the 439 incidents, 418 had one agency involved, 14 had two agencies, six had three agencies and one incident involved four agencies. The San Diego Police Department (SDPD) was involved in just over half (51 percent) of the cases, with the San Diego Sheriff's Department (SDSD) involved in 23 percent. SDPD and SDSD serve about 42% and 28% respectively of the County's population.² The following chart shows a breakdown of the number of cases for agencies with 3 or more incidents.

Additionally, there were two incidents for Cal DOJ and CBP and one incident for each of the following: Anaheim Police, Coronado Police, Costa Mesa Police, Orange County Sheriff's Department, Probation, Riverside County Sheriff's Department, San Diego County Marshal, U.S. Marines, U.S. Marshal, U.S. NCIS, and UCSD Police Department.³

NUMBER OF INCIDENTS BY AGENCY



Number of Officers Involved

Between 1993 through 2017, 742 officers were involved in an OIS. In 63 percent (276) of the cases, there was one officer who fired. There were two shooting officers in 21 percent (94) of the cases, and three shooting officers in 8 percent (37) cases. Of the remaining 32 cases, there were 17 cases with four officers and 15 with five or more officers who fired at a subject. Analyzing the number of officers present compared to the number of officers who shot and struck the subject showed that 24 percent of the time, the shooting officer was the only officer present. Further analysis is in the table below.

² https://www.sandag.org/uploads/publicationid/publicationid_4587_25763.pdf

³ The federal agencies are included because they were involved with a local or state agency but were not the primary agency. OIS incidents which are solely federal law enforcement are not reviewed by the SDCDA's Office.

| | Number of Officers Shooting | | | | | |
|----------------------------|-----------------------------|-----------|-----------|-----------|-----------|------------|
| Number of Officers Present | 1 | 2 | 3 | 4 | 5 or more | Total |
| 1 | 106 | | | | | 106 |
| 2 | 92 | 46 | | | | 138 |
| 3 | 26 | 20 | 14 | | | 60 |
| 4 | 16 | 4 | 4 | 7 | | 31 |
| 5 | 7 | 3 | 3 | 2 | 2 | 17 |
| 6 | 7 | 4 | 5 | 3 | 3 | 22 |
| 7 | 1 | | 3 | | 2 | 6 |
| 8 | 4 | 2 | 3 | 3 | 1 | 13 |
| 9 | 1 | 2 | | 1 | 1 | 5 |
| 10 or more | 8 | 4 | 1 | 0 | 3 | 16 |
| unknown | 8 | 9 | 4 | 1 | 3 | 25 |
| Total | 276 | 94 | 37 | 17 | 15 | 439 |

Officer and Subject Demographics

In terms of the officer assignments, the vast majority – 87 percent – were patrol/uniformed officers.⁴ The remainder was split between plain-clothes with 6 percent, tactical operations (e.g. SWAT) which had 5 percent, off-duty accounting for 1 percent, and 1 percent unknown.

The age of the shooting officers was known for 368 of them. Their ages ranged from 21 to 63, with the average age being 35. The number of years on the force was known for 430 officers, which ranged from less than one year to 33 years. The average time on the police force was 9.2 years.

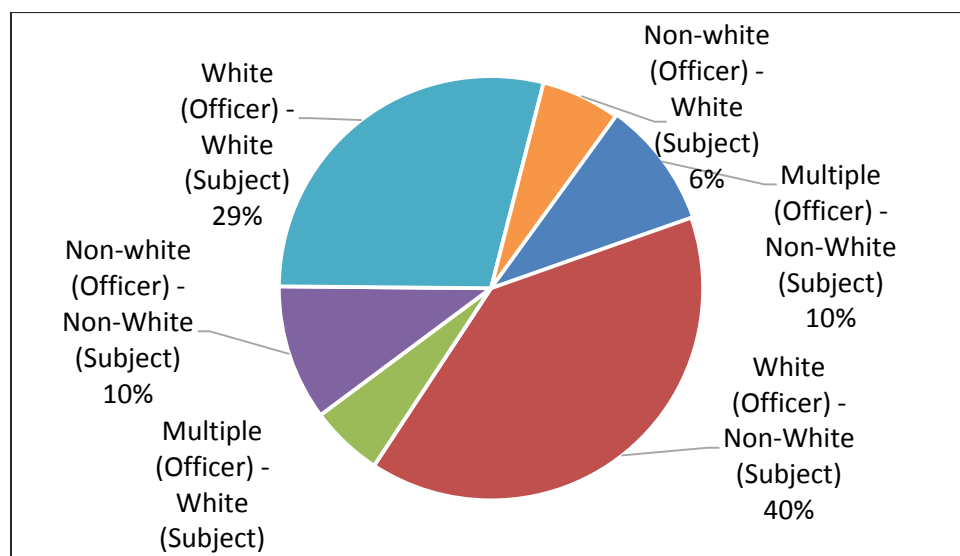
The race and gender breakdowns for officers (1st table) and subjects (2nd table) are listed below. Percentages do not add up to 100 for females due to rounding.

| OFFICER RACE | Male | % of Male | Female | % of Female | Total | % of Total |
|--------------------|------------|-----------|-----------|-------------|------------|------------|
| Asian/Filipino | 23 | 3% | 1 | 4% | 24 | 3% |
| Black | 34 | 5% | 1 | 4% | 35 | 5% |
| Hispanic | 94 | 13% | 5 | 18% | 99 | 13% |
| Pacific Islander | 4 | 1% | 1 | 4% | 5 | 1% |
| White | 512 | 72% | 19 | 68% | 531 | 72% |
| UNKNOWN | 46 | 6% | 1 | 4% | 47 | 6% |
| Grand Total | 713 | | 28 | | 741 | |

⁴ At the time of the study, the assignments were known for 728 of the 742 officers involved.

| SUBJECT RACE | Male | Female | Total |
|--------------------|------------|-----------|------------|
| Asian/Filipino | 4% (13) | 4% (1) | 4% (14) |
| Black | 20% (67) | 8% (2) | 19% (69) |
| Hispanic | 37% (128) | 21% (5) | 36% (133) |
| Pacific Islander | 1% (3) | | 1% (3) |
| White | 35% (119) | 67% (16) | 37% (135) |
| Other/Unknown | 4% (13) | | 4% (13) |
| Grand Total | 343 | 24 | 367 |

Of the 416 shootings in which we know the race of both the officer(s) and the subject(s), the analysis showed the following breakdown:⁵

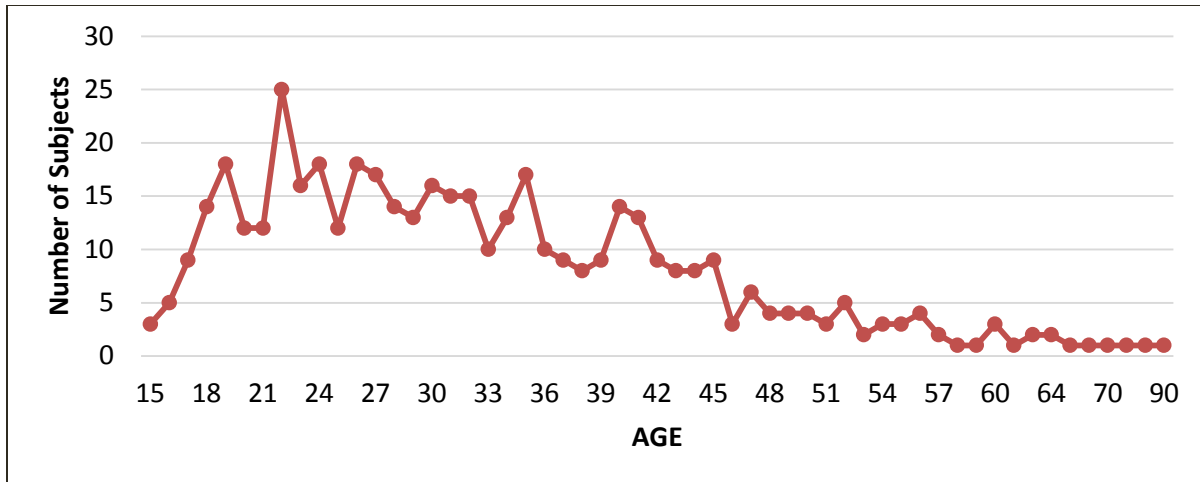


Drawing conclusions from the above analysis is difficult because of the lack of data about the demographics of the areas/subject population as well as demographics of the officers working in those areas. Additionally, the demographics of San Diego County as well as the demographics of law enforcement have changed over the 25-year study period.

Age of Subjects

The age was known for 472 subjects of which 448 were male and 24 were female. The average age of all subjects involved in OIS was 32, with ages ranging from 15 to 90. Nearly two-thirds (61%) of all subjects were between the ages of 18 to 35. The age distribution is shown in the chart below.

⁵ “Multiple” means there were multiple officers, and at least one was non-white. There were two cases with multiple non-white subjects, one with white officers and one with multiple-race, non-white officers.



Other Subject Information

- Of the 366 subjects whose parole or probation status at the time of the shooting could be determined, 46 percent were either on probation or parole (slightly higher than the 44 percent from the 20-year study).
- The military status was known for 220 subjects. At the time of the incident, 89 percent were not in the military, 8 percent were former military, and 3 percent were currently in the military.
- In 21 percent (94) of the incidents, the subject made statements or behaved in a way that was considered “suicide-by-cop” (meaning it appeared clear the subject wanted police to shoot him or her). This is up from 19 percent in the 20-year study.

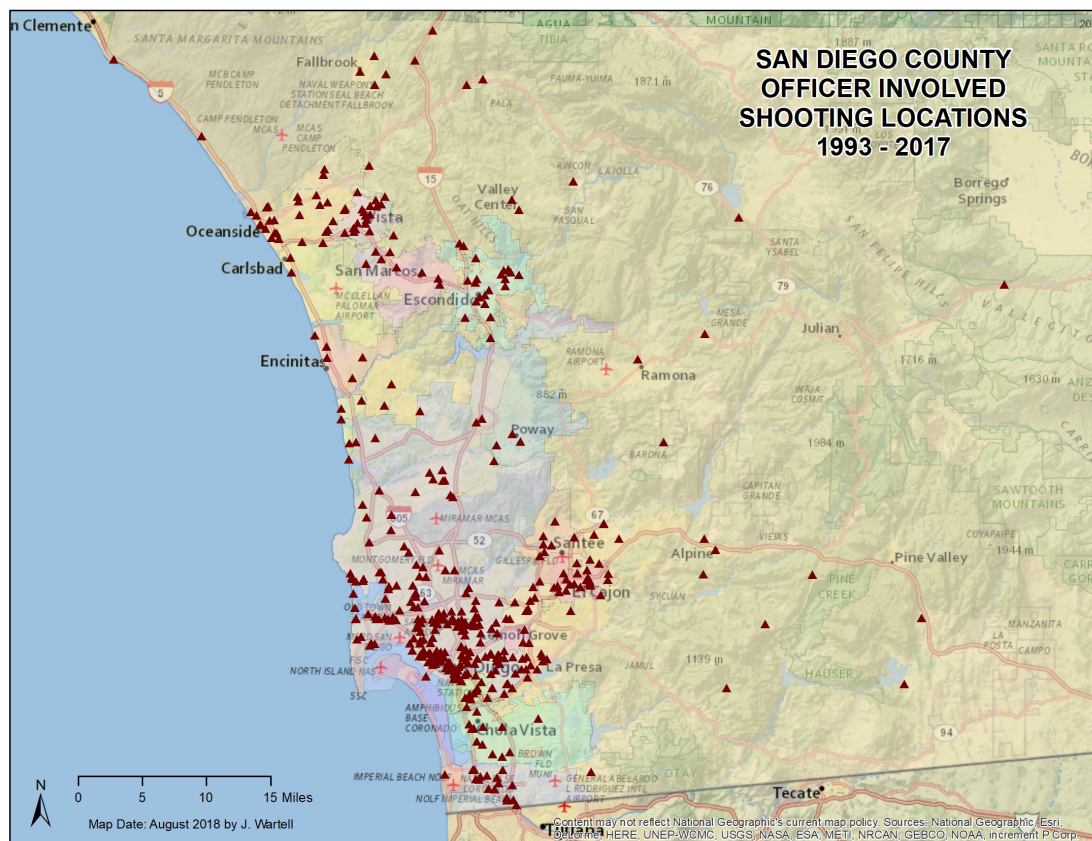
LOCATION OF INCIDENTS

While the shootings occurred all over San Diego County, just over half (54 percent) were in the City of San Diego. The remaining 203 included 12 percent in unincorporated areas of the County, 6 percent in Oceanside, 5 percent each in Escondido and El Cajon, 4 percent in Vista, and 3 percent each in Chula Vista and National City. The remaining incorporated cities each had eight or less. The specific cities and unincorporated communities are detailed below as well as a map on the next page.

| CITY/COMMUNITY | CASES | | CITY/COMMUNITY | CASES |
|---------------------------|-------|--|------------------------|-------|
| Alpine | 5 | | La Mesa Unincorporated | 1 |
| Bonita | 1 | | Lakeside | 5 |
| Bonsall | 1 | | Lemon Grove | 3 |
| Camp Pendleton/San Onofre | 2 | | National City | 11 |
| Campo/Pine Valley | 2 | | Oceanside | 27 |
| Carlsbad | 3 | | Pala | 2 |

| | | | |
|--------------------------|----|----------------------|-----|
| Chula Vista | 12 | Poway | 4 |
| Del Mar | 2 | Ramona | 2 |
| El Cajon | 20 | Rancho Santa Fe | 2 |
| El Cajon Unincorporated | 5 | San Diego | 219 |
| Encinitas | 5 | San Marcos | 4 |
| Escondido | 21 | Santee | 7 |
| Escondido Unincorporated | 2 | SD South Bay | 17 |
| Fallbrook | 6 | Solana Beach | 2 |
| Imperial Beach | 1 | Spring Valley | 8 |
| Jamul | 1 | Valley Center | 3 |
| Julian/Santa Ysabel | 2 | Vista | 19 |
| La Mesa | 8 | Vista Unincorporated | 4 |

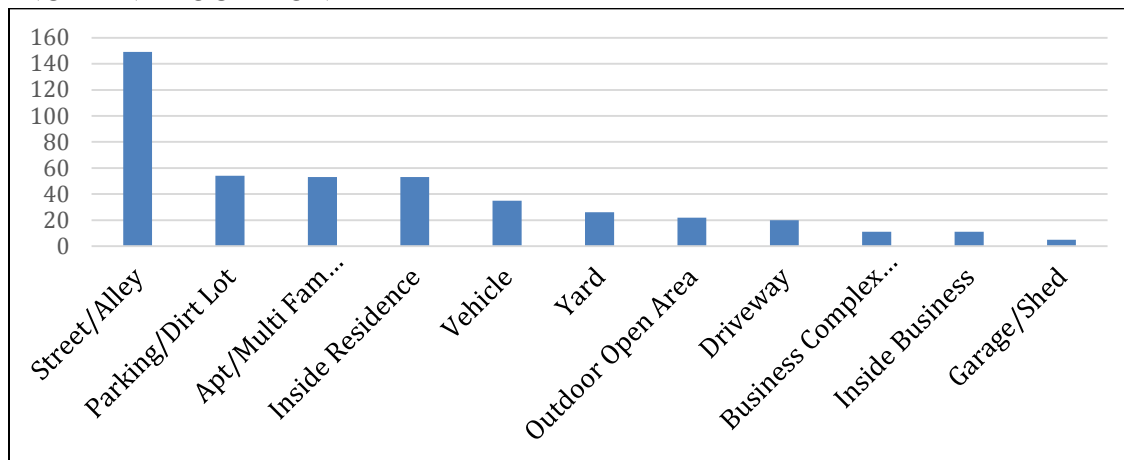
The following map depicts the specific locations of the shootings:



Nature of Incident Location

The nature of the location, meaning the physical setting where the OIS occurred, varied widely. Most were outdoors, with over one-third (34 percent) being in the street or alley. In addition to the street/alley, most other encounters occurred in public or open places as opposed to private locations as seen in the chart below.

INCIDENT LOCATION TYPE



OTHER CHARACTERISTICS OF THE SHOOTINGS

Use of Less Than Lethal Force

In 22 percent of the cases immediately prior to the OIS, some officers used a less than lethal (LTL) option in an attempt to subdue the subject. For purposes of the study, less lethal force includes the items listed below but does not include attempts at physical restraint, control holds, verbal commands, etc. The following is a breakdown of less than lethal force items used and the frequency:

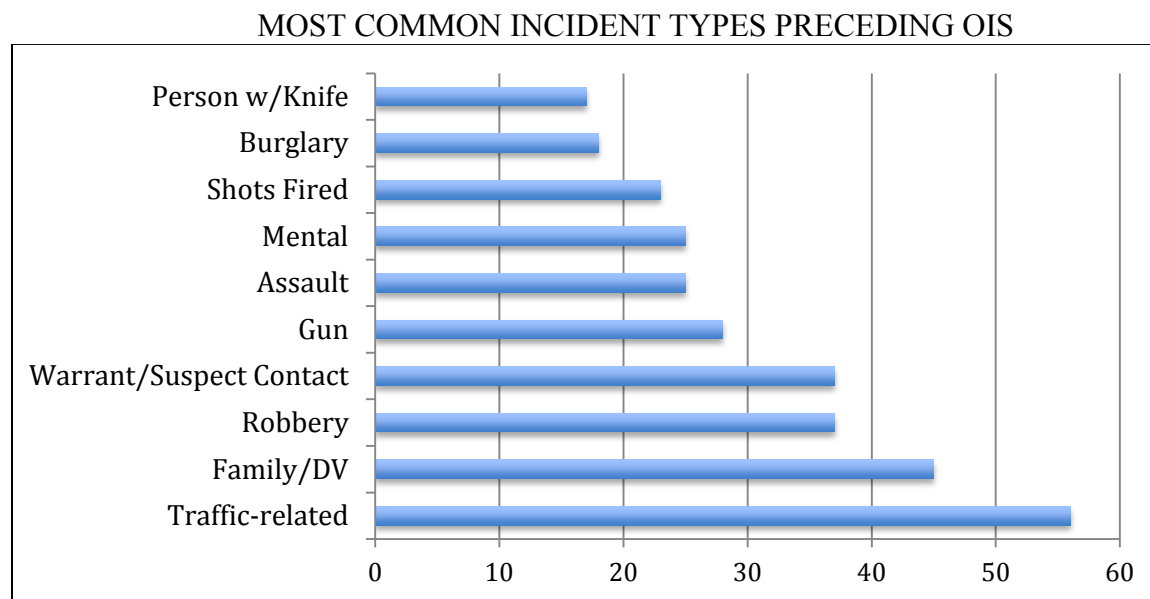
| LESS THAN LETHAL USED | CASES |
|----------------------------------------------------------|-------|
| Chemical spray | 25 |
| K-9 | 20 |
| Taser | 19 |
| Beanbag shotgun | 18 |
| Baton | 10 |
| Baton, chemical spray | 2 |
| Baton, chemical spray, Taser, Beanbag shotgun, nunchakus | 1 |
| Baton, Taser, K-9 | 1 |
| Chemical spray, nunchakus | 1 |
| Beanbag shotgun, K9 | 1 |

Nature of the call

Family/domestic disturbance calls have long been among the most dangerous to law enforcement.⁶ Similarly, these calls are also one of the most frequent types of incidents that officers responded to just prior to an officer-involved shooting. However, the most common event preceding an OIS is traffic-related, encompassing 13 percent of all incidents. Traffic-related includes traffic stops, drunk driving or in a vehicle fleeing a crime.

The following chart depicts the 10 most common incident types preceding a shooting. “Gun-related” means the call was for someone displaying, brandishing, threatening with, or shooting a gun.

There was an officer killed or injured in 53 incidents or 12 percent of the time, up from 10 percent in the 20-year study.² According to the FBI, which tracks Law Enforcement Officers Killed and Assaulted, San Diego County had over 1,000 officers assaulted in 2017, up from an average of 700 over the previous nine years.⁶



Nature of the Initial Contact

The “initial contact type” explains how/why the officer was at the scene. In just over half of the cases (58 percent), the source of the initial contact was a radio call. In other words, citizens were contacting the police via 911 or a non-emergency number (versus being self-generated contacts).

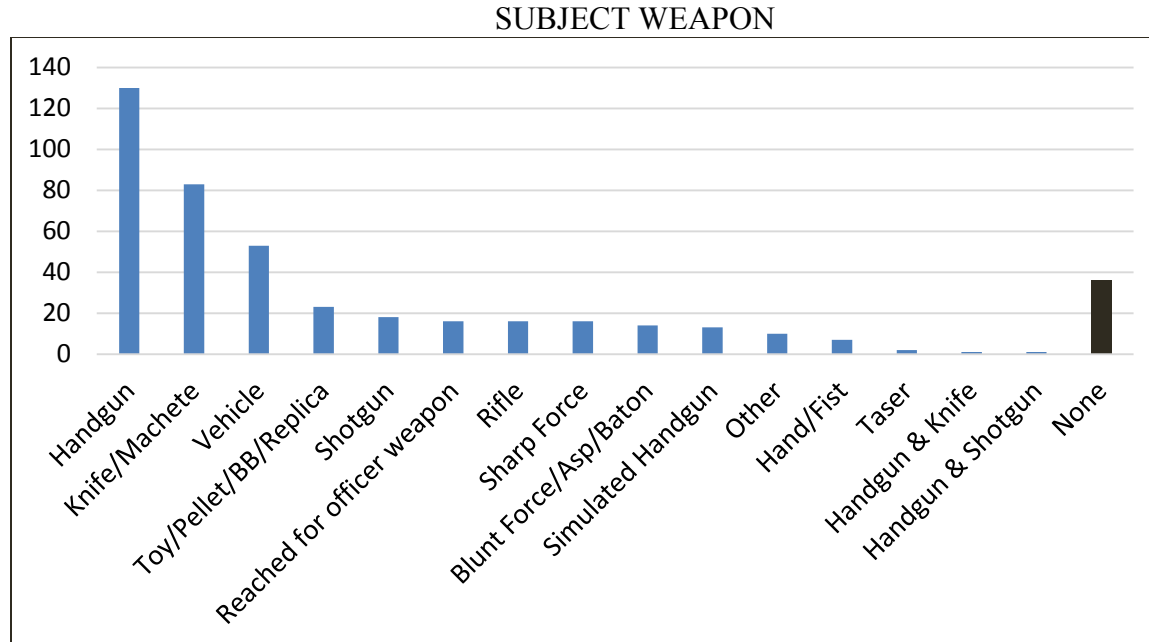
⁶ Additional FBI statistics for Law Enforcement Officers Killed and Assaulted (<https://ucr.fbi.gov/leoka/2017>) in the State of California, over 10,000 officers were assaulted in 2017 (up from an average of 8,800 over the previous 9 years) and 38 killed in the 10 years from 2008-2017. In California for 2008-2017, “disturbance call” was the most common circumstance type for assaults on an officer, accounting for 32% of all assaults; in San Diego the ratio is 34%. LEOKA defines disturbance call as family quarrels, bar fights, etc.

An additional 31 percent were self-initiated by the officer, which includes patrolling and making traffic and pedestrian stops. “Citizen contact” is if a person contacted the officer directly.

| INITIAL CONTACT TYPE | CASES |
|-------------------------|-----------|
| Radio call | 253 (58%) |
| Self-initiated | 137 (31%) |
| Follow-up investigation | 33 (8%) |
| Citizen contact | 12 (3%) |
| Other | 4 (1%) |

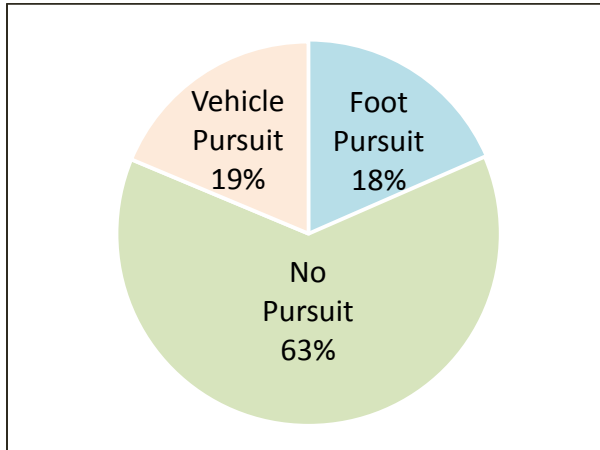
Subject Weapon/Actions

Ninety-two percent (92%) of the subjects had a weapon. The type of weapon the subject possessed or the action by the subject preceding the shooting varied. Thirty-eight percent of the weapons were firearms, a majority of which were handguns. The weapons and/or force are in the chart below. Examples of weapons in the “Other” category include nunchakus, nail guns, Tasers, woodworker files, and waist chains/padlocks. Eight percent of the subjects did not have a weapon. Of those 36 incidents, 28 made furtive movements, six were accidental discharges by the officer, one was a violent gang member running at another officer, and one was as a result of a prison inmate involved in a violent assault on another inmate.



Pursuits

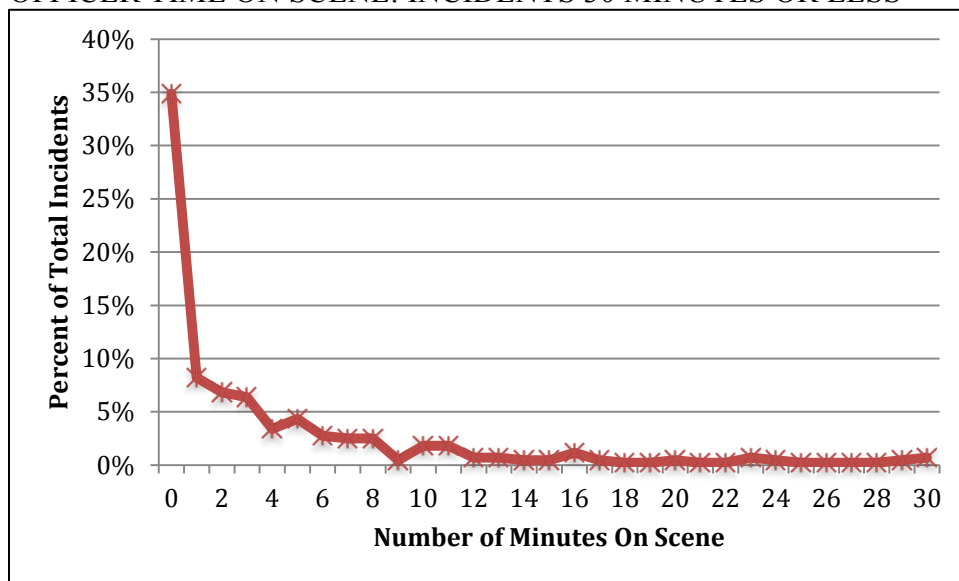
Over one-third of the cases (37 percent) involved a pursuit prior to the shooting. The breakdown of foot and vehicle is seen in the chart below. Several incidents involved both a vehicle and a foot pursuit and one vehicle pursuit where the subject and officer were on bicycles.



Time on scene

Analysis was completed for the time elapsed between when the first officer arrived on-scene and when the shooting occurred. This data existed for 423 incidents. Slightly over one-third (34 percent) of the shootings took place immediately upon arrival on-scene (designated by 0 minutes in the chart below). Sixty-four percent of the incidents occurred within five minutes or less of arrival on-scene. The vast majority of the incidents (88 percent) occurred within one hour of on-scene arrival, and the average time for these incidents was 5.9 minutes. There were 23 incidents over 120 minutes, ranging from 124 minutes to over 14 hours.

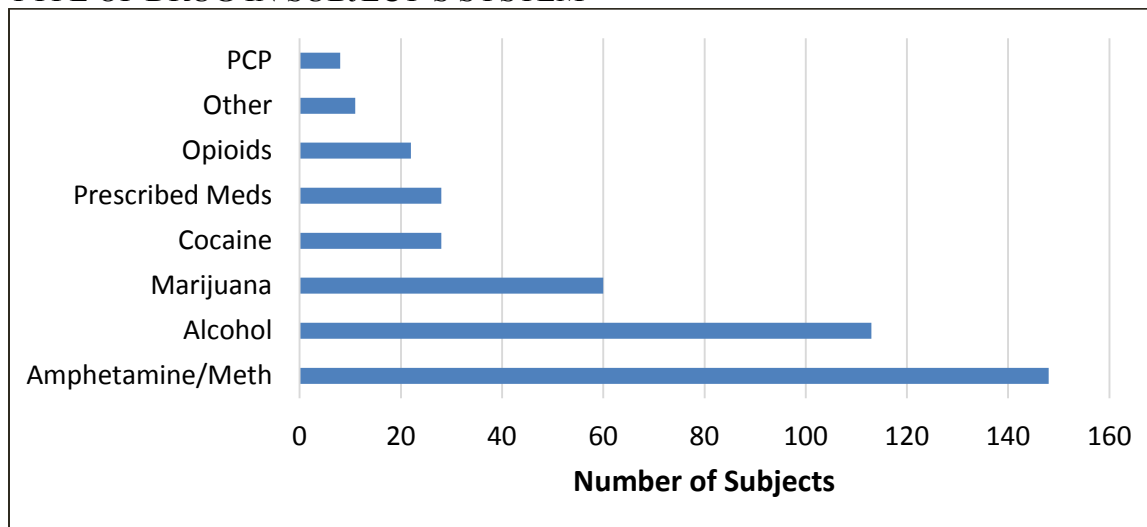
OFFICER TIME ON SCENE: INCIDENTS 30 MINUTES OR LESS



Drug/Alcohol Use and Mental Health factors

Drugs and/or mental health issues were very common in the subjects. Either some evidence of drug use and/or mental health concerns was present in 79 percent of the cases (348 of 439). Sixty-five percent (291) of the subjects had drugs in their systems, including many with multiple substances (21 subjects being under the influence of three or more drugs). There were a total number of 418 drugs (alcohol is also being counted as a drug) found in the systems of the 291 subjects. Below is a breakdown by type of drug/substance. Methamphetamine/amphetamine was by far the predominant drug connected to the officer-involved shootings.

TYPE OF DRUG IN SUBJECT'S SYSTEM



Sixty-four of the subjects had documented mental health issues, and 74 exhibited unstable behavior at the time of the incident. Twelve subjects had both documented mental health issues *and* were exhibiting unstable behavior. Fourteen percent of the subjects had both mental health issues *and* under the influence of one or more drugs.

CONCLUSION

Analyzing officer-involved shooting cases allows for a more thorough examination of any trends or patterns. With a goal of transparency, this report offers a better understanding of the dynamics of officer-involved shootings and provides the community a better understanding of the factors that contribute to these events. By building on data from previous studies, a number of statistics were re-confirmed through this 25-year study.

- Over one-third of the incidents occurred immediately upon arrival, and nearly two-thirds within five minutes or less of arrival on-scene.
- Ninety-two percent of subjects were armed with weapons.
- A firearm was the most common type of weapon (38 percent) the subject possessed.
- Uniformed patrol officers are most at-risk for becoming involved in a shooting, and more than half the time, it was in response to a radio call.
- In twelve percent of incidents, at least one officer was killed or injured.
- Nearly half (46 percent) of the subjects shot were on parole or probation at the time of the shooting.
- A pursuit (vehicle, foot or both) preceded the shooting in 37 percent of the incidents.
- Subjects are mostly male, Hispanic or white, and age 18 to 35.
- Seventy-nine percent of subjects were under the influence of drugs or alcohol and/or had mental health issues.
- Sixty-five percent were under the influence of drugs: methamphetamine/amphetamine as the most common.
- In nearly two-thirds of the incidents, only one officer fired his or her weapon. In just under one-quarter of the incidents, the shooting officer was the only officer present.
- The large majority of shootings (78 percent) did not involve less than lethal force prior to the shooting.
- The average age of the shooting officers was 36, with an average of just under 10 years of law enforcement experience.
- Incidents are more likely to occur in the evening or late at night, and over one-third (34 percent) of the incidents occurred on Friday or Saturday.
- Incidents are most likely (nearly one-quarter of the incidents) to occur when there is a traffic-related incident or family/domestic disturbance call.
- Most incidents were outdoors, with over one-third being in the street.